IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

FRIDAY, THE TWENTY SECOND DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MRS JUSTICE T.MEENA KUMARI

and
THE HON'BLE MR JUSTICE P.LAKSHMANA REDDY

WRIT APPEAL NO : 914 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 13/08/2004 in WP NO: 24435 OF 2003 on the file of the High Court.)

Between:

Dr. Koti John, S/o. Krupa Rao (Under Dismissal), Department of IR & PM (HRM), Andhra University, Visakhapatnam, R/o. Qr. No. 3, SS Type, A.U. Quarters, Opp: A.U. High School, Visakhapatnam -3.

..... APPELLANT

AND

1 Andhra University, Rep. by its Registrar, Visakhapatnam
2 the Vice Chancellor, Andhra University, Visakhapatnam.

.....RESPONDENTS

Counsel for the Appellant: MR.M.SUDHIR KUMAR

Counsel for the Respondents: Dr. P. B. Vijaya Kumar, Standing Counsel for A.U.

The Court at the stage of admission made the following :

ORAL ORDER:

The present Writ Appeal has been filed aggrieved by the common order dated 13-8-2004, passed by a learned single judge of this Court in W.P. Nos. 23763 of 2003, 24435 of 2003 and 3181 of 2004. The appellant filed W.P. No. 24435 of 2003 aggrieved by the show cause notice dated 20-9-2003 proposing the punishment of dismissal from service basing on a report of enquiry conducted on the misbehavior of the petitioner. The petitioner contended firstly on the ground that it is only the Executive Council of the University that is empowered to initiate disciplinary proceedings or administer a penalty on a teacher of the University, secondly, the Vice chancellor is incompetent either to initiate disciplinary proceedings, to appoint an enquiry officer or to issue the impugned show cause notice and to administer the penalty on a teacher of the University and thirdly, that the conclusion as to the guilt of the appellant in respect of the charges framed against him could be arrived at only after communication of the enquiry report and consideration of the appellant's objections thereto. As the Vice Chancellor, having accepted the findings and recommendation of the enquiry officer, has issued the impugned show cause memo communicating the enquiry report along with the final show cause notice, the proceedings are in violation of the principles of natural justice and demonstrate a prejudgment of the guilt of the appellant, by the Vice Chancellor.

However, it is brought to the notice of this Court that while the appellant was under suspension, the respondent authorities have passed the final orders on 14-9-2004, dismissing the appellant from the University services and aggrieved by the said action of the respondents, the appellant filed another writ petition being No. 13927 of 2005 and it was admitted on 29-6-2005.

Under those circumstances, we do not find any reason to interfere with the present matter since the respondent authorities have already passed the final orders and dismissed the appellant and also in view of the fact that aggrieved by the said order, the appellant has already filed writ petition No. 13927 of 2005 and accordingly, we hold that the subject matter of the writ appeal has become infructuous. However, the

learned counsel for the appellant sought liberty of this Court to agitate his rights and contentions which were raised in this appeal.

Accordingly, the writ appeal is dismissed as having become infructuous with liberty given to the appellant to raise all the objections in the writ petition No. 13927 of 2005, which were raised in this appeal with regard to the charges framed against him. No costs.

T. MEENA KUMARI, J.

P. LAKSHMANA REDDY,J.

22-07-2005

kvsn

To

1 The Registrar, Andhra University, Visakhapatnam
2 The Vice Chancellor, Andhra University, Visakhapatnam.

3, Two CD copies.